



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Martin O'Malley
Governor

Robert M. Summers, Ph.D.
Secretary

Anthony G. Brown
Lieutenant Governor

March 20, 2014

The Honorable Thomas Middleton, Chair
Members, Senate Finance Committee
Senate Office Building, Suite 3E
Annapolis, MD 21401

Re: Letter of Concern, Senate Bill 1020 – *Solar Farms – Construction Requirements - Exemptions*

Dear Chairman Middleton and Committee Members:

The Maryland Department of the Environment has reviewed Senate Bill 1020, *Solar Farms – Construction Requirements - Exemptions*, and would like to express our concerns with this legislation.

Senate Bill 1020 would amend the Environment Article by adding a definition for “solar farm,” and would exempt solar farms as defined from the state requirements to obtain a sediment and erosion control plan, and to implement all controls required to prevent runoff of sediment from a solar farm construction site. The bill also would amend the Natural Resources Article to exempt solar farms from the forest conservation requirements. Finally, the bill would exempt solar farms with generating stations from having to obtain a Certificate of Public Convenience and Necessity if the solar farm meets certain criteria.

The Department is concerned that SB1020 would eliminate the State’s authority to regulate erosion and sediment control related to the construction of a solar farm. Water quality protections that were enacted by the Maryland Legislature many years ago to prevent pollution from construction and grading activity have been critical to ensuring that the state’s water resources, including the Chesapeake Bay, are preserved and protected.

The Department shares the Committee’s interest in fostering renewable energy and has worked diligently with many stakeholders, including developers of solar energy, to ensure that compliance with Maryland’s water quality protection regulations are not impediments to development. We are unaware of any specific projects or renewable energy initiatives that have had issues addressing soil erosion requirements that are being imposed by local soil conservation districts, and cannot foresee any circumstance that would warrant a solar developer requiring an exemption from these basic water quality protections.

Thank you for your consideration. I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at jeffrey.fretwell@maryland.gov if I can be of assistance.

Sincerely,

Jeffrey K. Fretwell

cc: Jay G. Sakai, MDE, Director, Water Management Administration

